



ANNO QUADRAGESIMO OCTAVO.

VICTORIÆ REGINÆ.

CAP. LXVII,

An Act to amend the charter of the city of Montreal.

[Assented to 9th May, 1885.]

WHEREAS the corporation of the City of Montreal, Preamble.
being desirous of promoting the improvement of
sanitary matters and salubrity within its limits, has, through
its city council, resolved to acquire the two abattoirs esta-
blished in the east and west of the said city, and requires
additional powers for that purpose; and whereas it is expe-
dient to confer upon the said corporation more authority as
regards certain other matters of municipal jurisdiction, and
whereas it has, by its petition, prayed for the passing of an
act to that effect; Therefore, Her Majesty by and with the
advice and consent of the Legislature of Quebec, enacts as
follows:

1. It shall be lawful for the city of Montreal to acquire the Power to ac-
quire certain
abattoirs.
two public abattoirs known under the name of "The Domi-
nion Abattoirs and Stock Yards' Company" and "*La
Compagnie d'Abattoirs de Montréal*," the first of which is
situate within the limits of the municipality of St. Henry,
and the second within the eastern limits of the city, and to

resell, cede and transfer the same to the association established by virtue of letters patent, issued under the great seal of the Province of Quebec, on the eighth October, 1884, under the style and firm of "*Union des Abattoirs de Montréal*," on the terms, clauses and conditions specified in the schedule annexed to the report of the Finance Committee, under date of the twenty-eighth August, one thousand eight hundred and eighty-four, as ratified and confirmed by the city council of Montreal, on the fifteenth September of the same year, and amended as regards the supply of water to the "*Dominion Abattoirs and Stock Yards' Company*," by resolution of the said council, under date of the 26th March, 1885, to wit :

Power to purchase abattoirs.

a. The City of Montreal may purchase both the Montreal and Dominion Abattoirs (east and west), including all the rights, privileges and appurtenances as possessed by the two abattoir companies respectively,

Conditions.

Such purchase to be made free and clear from any privilege, mortgage and encumbrance whatsoever, and to be previously authorized and confirmed by the bondholders and shareholders of the said companies respectively,

Price to be paid.

b. The aggregate price to be paid for such purchase by the city shall be three hundred thousand dollars ; the proportion whereof to accrue to each of the two companies to be determined and agreed upon between the said companies, previous to the passing of the notorial deed to be drawn for that purpose.

Manner of payment.

c. The purchase shall be made by means of bonds or debentures, to be issued by the city in the usual form, at par ;

Bonds how payable.

The said bonds or debentures shall be payable in forty years, with interest at four per cent per annum ; and an annual sinking fund of one per cent shall be established to meet the debt at maturity.

City to sell to certain company at same

d. One of the conditions of the said purchase, and without which it can not be effected, is, that, simultaneously

with such purchase, the city shall sell to a legally incorporated company, composed exclusively of butchers, manufacturers of or traders in tallow, lard, wool, hides, soap, bones, blood, offal, fat, pasture and cattle, the properties so acquired from the abattoir companies, less the area to be reserved for cattle markets, &c., as hereinafter mentioned.

It is hereby expressly stipulated and understood that this arrangement shall only be valid and remain in force provided the said new company, so legally incorporated shall continue in operation an abattoir at the west end of the city continuously with the one at the east end, and shall equally favor the working of such abattoir with the one situated in the east end.

e. In the deed of sale to be passed between the two companies aforesaid and the city, provision will be made to the effect that the said companies abandon and renounce any claim they may pretend to have against the city for damages.

f. For the purpose of establishing cattle yards and providing a place for the rendering of tallow and for soap manufacturing, the corporation shall retain twenty acres of land off the said properties, that is to say, ten acres of the eastern and ten acres of the western abattoirs, with the understanding that so soon as the present agreement will be perfected, the city council shall pass a by-law to prohibit the sale of cattle in the city, outside of the said cattle markets, with the exception of milch-cows and animals brought to the city in transit and bound to foreign ports ; the said prohibition, however, to be made without prejudice to the rights acquired by Nathan Kennedy, under deed passed on the first December, 1883, before Mr. Durand, notary ; the city reserving to itself the right to levy and collect at the cattle markets aforesaid, the same dues on cattle bought thereat that it now levies and collects in the city.

time as it purchases the abattoirs.

Condition.

Stipulation to be in deed of sale to city.

Reserve of certain extent of land for cattle market, &c.

Prohibition of sale of cattle elsewhere.

Reservation of certain rights.

Dues to be levied on such markets.

Remainder of
land to be sold
to company for
certain price.

g. The remainder of the said properties, after taking therefrom the twenty acres of land aforesaid, shall be sold and transferred to the company incorporated as aforesaid, for and in consideration of the sum of two hundred and fifty thousand dollars, and on the following conditions, viz :

Payment of
price how to
be made.

h. The purchase price, two hundred and fifty thousand dollars, shall be payable by the said company in forty years, with interest at four per cent, and a sinking fund of one per cent to meet the capital at maturity, that is to say: the company shall pay every year, for interest and sinking fund, twelve thousand five hundred dollars, payable semi-annually in advance.

Security for
payment.

i. As security for the payment of the said sum of two hundred and fifty thousand dollars, the city shall have first mortgage of *bailleurs de fonds* on the property thus sold.

Deposit of cer-
tain sum to be
made as fur-
ther security.

j. As further security for the due execution of all the conditions of sale, and previous to the signing of the deed, the said company shall deposit the sum of seventy-five thousand dollars in money in the hands of the city treasurer who shall keep it apart from all other monies belonging to the corporation, and shall safely invest the same in such manner as the finance committee may direct.

Interest to be
allowed on de-
posit.

k. So long as the deposit shall thus remain in the hands of the city treasurer, the company shall be entitled to receive the interest thereon at the rate of four per cent per annum; but it is expressly understood that, should the said company at any time fail in the execution of any of its obligations towards the city, and especially if the said company should refuse or neglect to pay any of the instalments aforesaid, for interest and sinking fund, as they become due, then and in such case the said company shall *ipso facto* forfeit its right to both capital and interest of the said deposit, and such deposit shall thereupon revert to the city which may use the same, but for abattoir purposes only.

Deposit to be
forfeited in
case of non-
payment of
capital and
interest when
due.

l. It is further agreed that, in case the company shall at any time refuse or neglect to comply with any of the conditions and obligations herein stipulated and to be embodied in the deed of sale to be passed between the city and the company, then, in such case, the sale of the abattoirs to the company shall become null and void, to all intents and purposes, without any previous notification, formality or judicial process whatsoever; and the city shall thereupon resume possession of all the property and appurtenances thus ceded to the company, without being held to reimburse to the latter the seventy-five thousand dollars above mentioned, nor any portion of the moneys it may have then paid for interest and sinking fund on account of the purchase price of the said property. This condition is absolute and not comminatory.

Sale cancelled in case of failure to carry out conditions of sale.

City to take possession of property.

Not bound to reimburse deposit.

m. The said company shall, moreover, bind itself to make all the repairs necessary to the present buildings, and also to construct without delay, the sewers required to drain both abattoirs, to the satisfaction of the city inspector.

Company to make necessary repairs, drains, &c.

n. The said company shall further undertake to insure and keep constantly insured the buildings erected and to be erected on the said properties to an amount sufficient to cover their loss in case of fire; failing which the city may effect such insurance at the cost of the company.

To keep property insured.

o. The city shall furnish the necessary supply of water to the eastern abattoirs at the rate of fifteen cents per thousand gallons, payable quarterly.

Rate for water to be supplied by city to eastern abattoirs.

p. The obligations and restrictions, to which the city treasurer is liable by the city charter, as regards the sinking fund on the general debt of the city, shall apply to the sinking fund provided for in the present agreement.

Obligations of city treasurer as to sinking fund.

2. The city of Montreal is vested with the necessary power and authority to effect a loan and to issue obligations and debentures to the amount of three hundred thousand dollars for the purchase of the said abattoirs, upon the

City of Montreal may effect loan to purchase abattoirs

conditions specified in the preceding section ; and such loan shall be subject to each and all the requirements stipulated in the act 37 Victoria, chapter 51, concerning the loans which the city may effect, and especially in sections 115, 116, 117, 118, and subsection 2 of section 119.

Sale outside of
markets of
animals may
be prohibited.

3. The city council may, by by-law prohibit the sale, within the limits of the said city, of every animal intended for slaughtering and feeding, with reservation of the rights acquired by Nathan Kennedy and acknowledged in the first section of the present act, and may exact a duty on every animal that shall be brought on the yard reserved on behalf of the said city near the said abattoirs. The duty shall be levied in the same manner as any tax or impost may be levied by virtue of the said act 37 Victoria, chapter 51.

Dues on ani-
mals.

39 V., c. 52, s.
1, § 3, repealed.

4. Subsection 3, of section 1, of the Act 39 Victoria, chapter 52, is repealed and replaced by the following :

Tax on certain
trades, &c.

“ 3. To impose and levy an annual tax on pedlars and carters doing business in the said city ; on owners of horses, vehicles and dogs in the said city ; on brokers, money-lenders or commission merchants ; on pawnbrokers and auctioneers ; on inn-keepers, brewers and distillers ; on theatres, circuses, menageries and minstrels ; on billiard tables, mississippi or pigeon hole tables, ten pin alleys and other similar games ; on livery-stable keepers ; and on ferrymen, or steamboat ferries plying for hire for the conveyance of travellers to the city, from any place not more than nine miles distant from the same ; provided such tax do not exceed those respectively imposed in the year one thousand eight hundred and seventy-four.”

Proviso.

39 V., c. 52, s.
1, amended.

5. Section 1 of the said act, 39 Victoria, chapter 52, is amended by adding after subsection 8 the following :

Taxes upon
telegraph, &c.,
companies.

“ 9. To impose and levy upon every electric telegraph, telephone or electric light company an annual tax, the maximum of which is fixed at four hundred dollars.”

46 V., c. 78, s.
19 amended.

6. Section 19 of the act, 46 Victoria, chapter 78, is amended by adding after subsection 3 the following :

“ 3bis. To prohibit sparring exhibitions within the limits of the said city.” Prohibit sparring exhibitions

7. The corporation of the said city and the trustees of the Mount Royal cemetery shall have full power and authority to convert the grounds of the old Protestant and military cemeteries, situated on Papineau road in the said city, into a public square and to make all necessary arrangements and to determine the conditions upon which the said pieces of ground shall become the property of the city. Power to acquire certain cemeteries for public squares.

8. Sections 167, 168, 169, 170, 171, 172 and 173 of the act 37 Victoria, chapter 51, shall, *mutatis mutandis*, apply to the Hochelaga ward in the same manner as to any other ward of the said city. Certain sections of 37 V., c. 51 to apply to Hochelaga ward

9. Section 30 of the act 37 Victoria, chapter 51, is repealed and replaced by the following : 37 V., c. 51, s. 30, replaced.

“ 30. On or before the twentieth day of January, the city treasurer shall return the said “ voters’ list,” properly checked as aforesaid, to the city clerk, in whose office the said list shall be kept for the examination of all parties concerned, at reasonable hours, until finally revised by the board of revisors hereinafter established. Deposit of voters’ list.

The city clerk shall immediately give public notice of such revision in at least two English and two French newspapers published in the said city, and by printed placards to be posted in all the wards of the said city. Notice of such deposit.

In such notice shall also be stated the days on which the board of revisors shall meet to revise the said voters’ list, (see schedule B, hereunto annexed.) What to contain.

If any elector deems himself aggrieved by the omission of his name from the said list, or by any of the objections therein made by the city treasurer in reference to his right to vote, or if he object to a person inscribed on the said list, such elector shall give notice thereof in writing and under his signature, mentioning the ward to which he belongs, and shall cause it to be transmitted to the city clerk’s office on Complaints by aggrieved elector, &c.

or before the fifth February of each year ; and on the day fixed for the revision of the voters' list of the ward in which the said elector claims the right to vote or upon which is inscribed the person whom he wishes to be disqualified, he shall appear, either personally or by his agent or representative, before the said board to make good his claim."

37 V., c. 51, s.
31, replaced.

10. Section 31, of the act 37 Victoria, chapter 51, is repealed and replaced by the following :

Appointment
of board of
revisors.

Quorum.
Duties.

" 31. At their last monthly meeting in every year, the city council shall choose from among the aldermen, whose term of office will not expire in the next succeeding year, five members of the said council, who shall be and constitute a board of revisors, any three of whom shall be a *quorum*, to revise and settle the said voters' list, and decide, according to the best of their judgment, upon the claims made for the insertion or omission of names in or from the said list.

Limitation of
powers of
board.
Chairman.

The functions of the said board shall be limited in determining the claims which shall have been submitted to them as aforesaid, and they shall choose from among their members the one who shall preside over their meetings, and the members of the said board shall, on their first day of meeting, be sworn by the mayor or any of the aldermen not a member of the board, well and impartially to perform their duties as such revisors.

Members to be
sworn.

Meeting of
board.

The said board shall meet on the fifth day of February at ten o'clock in the forenoon, and they shall adjourn from day to day until all the said claims shall have been adjudicated upon ; and, after hearing the best evidence of which the cases will admit, the said board shall make the necessary additions or erasures to or from the said list ;

Proceedings
by board.

Proviso,

Provided, however, that nothing contained in this section shall prevent the said board from erasing from the said list the name of any person that may appear on the said list not to have paid his taxes or assessments on or before the preceding first day of January, as directed by law, or to be

dead at the time of the revision of the said list, or whose name may have been erroneously included twice in the list of any one ward ; neither shall it prevent the said board correcting any mistake made in the name of any voter inserted in the said list, or from adding to, or removing from the said list, any intermediate name that may have been erroneously omitted from, or added to the said list, or from correcting any obviously clerical error in the name, residence or occupation of any voter in the said list ; provided also, that the said list shall be finally revised before the ten days immediately preceding that fixed for voting at the municipal elections, and provided no person's name shall be struck off the said list without notice being given him to that effect by the city clerk in order that he may have an opportunity to maintain his right."

11. Section 123 of the act 37 Victoria, chapter 51, is amended, by adding, at the end of subsection 66 of the said section, the following :

" 67. To prohibit games of billiards, pool, mississippi, pigeonholes, ten pins and bagatelle in establishments where spirituous liquors are sold, on Sundays."

12. Subsection 1 of section 134 of the act 37 Victoria, chapter 51, is repealed and replaced by the following :

" 134.—1. The recorder shall be a barrister of the province of Quebec, of at least five years standing, and shall be appointed by the Crown during good behaviour ; he shall be *ex-officio* a justice of the peace in and for the district of Montreal."

The Lieutenant-Governor or may however dismiss such recorder upon a joint address from the Legislative Council and Legislative Assembly."

13. When the city council, in its discretion, shall deem it expedient to cause privy-vaults or privies within the limits of the said city to be emptied by contract, it is hereby authorized to stipulate in such contract that the owners of

37 V., c. 51. s. 123, amended.

To prohibit certain games.

37 V., c. 51. s. 134, § 1, replaced.
Recorder to be a barrister ; appointed during good behaviour.

May be removed on joint address.

Contracts for cleaning privy-vaults, &c., to contain stipulation as to

payments by
certain per-
sons.

the said privy-vaults or privies shall be held to pay to the contractor the cost of removing the contents of such privy-vaults or privies, at the price fixed by the said contract ; provided such price shall not exceed seven cents per cubic foot ;

Suits for reco-
very of
amounts due.

Such contractor shall have an action in law against the owner for the recovery of the sum due, before the ordinary tribunals.

Certain sec-
tions of 42-43
V., c. 68. to
apply to cer-
tain lot of
land

14. Sections 21, 22, 23, 24, 25 and 26 of the act 42-43 Victoria, chapter 53, shall apply to that part of the property left vacant between the line of the St. Stephen's church building, under the direction of the Reverend Canon Evans, and Inspector street, in the St. Ann's ward of the said city, and to other similar cases when the road committee have agreed to give the line of the homologated plan of a ward of the said city.

Montreal City
Passenger
Railway Com-
pany and City
of Montreal
may make
new agree-
ment.

15. Whereas doubts may arise as to the power of the corporation to enter into new arrangements with the Montreal City Passenger Railway Company upon a basis and conditions different from the by-laws now in force and especially of by-law No. 265 ;

Be it enacted that it shall be lawful for the said city and the said company to agree upon new conditions to be embodied in a by-law of the said council, and to amend, modify or repeal, such by-law, as well as the by-laws now in existence, including the said by-law No. 265.

Coming into
force.

16, The present act shall come into force on the day of its sanction.